

REMARKS

Claims 1-13 are all the claims pending in the application.

I. Rejections under 35 U.S.C. § 103(a) in view of U.S. 5,243,528 to Lefebvre and JP 2000-09484 to Suzuki et al.

The Examiner has rejected claims 1-4, 6, 7 and 12 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lefebvre and Suzuki.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites that when a route is searched, the route guidance information which pertains to the searched route is changed to reflect a previously determined route deviated position when the searched route was last traveled. Such change is reflected before the route guidance information is output for use. Accordingly, a previous deviation from the searched route can be avoided when the searched route is again traveled (i.e., so that the user or vehicle does not make the same mistake twice).

The Examiner acknowledges that Lefebvre fails to disclose the above features, and therefore, refers to the Suzuki reference (pg. 3 of Office Action). As disclosed in the English Abstract of Suzuki, previous path deviations are stored and when the same route is again traveled, caution information is provided to the driver when the driver approaches the previously deviated position. However, there is no *change* made in the route guidance for a searched route before such information is output to the user, as recited in claim 1. Rather, the driver will be

instructed to follow on the exact same route as before, except that when the driver approaches a problem area, the driver will be cautioned as an “FYI” during travel on the requested route.

In regard to the above, the Examiner then refers to column 6, lines 14-18 of Lefebvre and appears to maintain that such portion suggests the claimed feature of changing route guidance before the route guidance is output to the user (pg. 3 of Office Action). However, the cited portion of Lefebvre merely discloses that when a user initially inputs a requested route or trip data, the user will specify what route is requested and what areas the user would like to avoid, i.e., detour data, and such data is input via the input device 12 (col. 6, lines 14-40). Based on the user input data, a route will be calculated. Accordingly, in Lefebvre, the route is determined or calculated based on specific instructions/preferences from the user, and no further change is made to the user requested route (i.e., the route is requested and is then determined based on that request). On the other hand, in the present invention, when a route is requested, the route is *automatically determined from the start to reflect previously determined route deviated positions.*

In view of the above, since there is no further change to the user requested route of Lefebvre, after the requested route is input by the user, and since neither Suzuki nor Lefebvre disclose that route information is changed, prior to being output, on the basis of previously determined route deviated positions, Applicant submits that the alleged combination of the references fail to teach or suggest every feature recited in claim 1. Accordingly, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claim 1.

B. Claims 2-4, 6-7 and 12

Since claims 2-4, 6, 7 and 12 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

II. Rejections under 35 U.S.C. § 103(a) in view of Lefebvre, Suzuki and U.S. 6,594,580 to Tada et al.

The Examiner has rejected claims 8, 9 and 11 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lefebvre, Suzuki and Tada. However, since claims 8, 9 and 11 are dependent upon claim 1, and Tada fails to cure the deficient teachings of Lefebvre and Suzuki, in regard to claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

In further regard to the features of claim 8, the Examiner indicates that none of the cited references disclose that a volume of a voice output is changed, but contends that such feature would be “obvious.” Such contention fails to set forth a *prima facie* case of obviousness. As set forth in MPEP §2143, a basic requirement of a *prima facie* case of obviousness is that the prior art reference(s) teach all of the claim limitations. Since none of the cited references teach the claimed feature, the Examiner has not met his burden. Therefore, Applicant respectfully requests the Examiner to cite to an additional reference to cure the deficient teachings of Lefebvre, Suzuki and Tada, if the rejection is to be maintained.

III. Rejections under 35 U.S.C. § 103(a) in view of Lefebvre, Suzuki and U.S. 6,847,885 to Sato et al.

The Examiner has rejected claim 10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lefebvre, Suzuki and Sato. However, since claim 10 is dependent upon claim 1, and Sato fails to cure the deficient teachings of Lefebvre and Suzuki, in regard to claim 1, Applicant submits that claim 10 is patentable at least by virtue of its dependency.

IV. Rejection under 35 U.S.C. § 103(a) in view of Lefebvre, Suzuki and U.S. Publ. No. 2004/0128066 to Kudo et al.

The Examiner has rejected claim 13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lefebvre, Suzuki and Kudo. However, since claim 13 is dependent upon claim 1, and Kudo fails to cure the deficient teachings of Lefebvre and Suzuki, in regard to claim 1, Applicant submits that claim 13 is patentable at least by virtue of its dependency.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Application No.: 10/814,152

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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